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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 ORLANDO MARTINEZ,
10 Plaintiff,
11 v.
12 WASHOE COUNTY JAIL, et al.,
13 Defendants.
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Case No. 3:16-cv-00015-RCJ-WGC

Screening Order

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17 **I. DISCUSSION**

18 This is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a former
19 inmate of the Washoe County Jail. On June 6, 2016, the Court issued an order dismissing
20 the complaint with leave to amend and directed Plaintiff to file an amended complaint within
21 thirty days.¹ (ECF No. 6 at 11).

22 The thirty-day period has now expired, and Plaintiff has not filed an amended
23 complaint, a non-prisoner *in forma pauperis* application, or otherwise responded to the
24 Court's order. District courts have the inherent power to control their dockets and "[i]n the

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27 ¹ Plaintiff was also directed to either: (1) file a fully complete application to proceed *in forma pauperis*
for non-prisoners; or (2) pay the full filing fee of \$400.00. (ECF No. 6 at 10-11).

1 exercise of that power, they may impose sanctions including, where appropriate . . . dismissal”
2 of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).
3 A court may dismiss an action, with prejudice, based on a party’s failure to prosecute an
4 action, failure to obey a court order, or failure to comply with local rules. See *Ghazali v.*
5 *Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik*
6 *v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an
7 order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir.
8 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court
9 apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987)
10 (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424
11 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

12 In determining whether to dismiss an action for lack of prosecution, failure to obey a
13 court order, or failure to comply with local rules, the court must consider several factors: (1)
14 the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its
15 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of
16 cases on their merits; and (5) the availability of less drastic alternatives. *Thompson*, 782 F.2d
17 at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-
18 61; *Ghazali*, 46 F.3d at 53.

19 In the instant case, the Court finds that the first two factors, the public’s interest in
20 expeditiously resolving this litigation and the Court’s interest in managing the docket, weigh
21 in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs in favor of
22 dismissal, since a presumption of injury arises from the occurrence of unreasonable delay in
23 filing a pleading ordered by the court or prosecuting an action. See *Anderson v. Air West*, 542
24 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public policy favoring disposition of cases
25 on their merits – is greatly outweighed by the factors in favor of dismissal discussed herein.
26 Finally, a court’s warning to a party that his failure to obey the court’s order will result in
27 dismissal satisfies the “consideration of alternatives” requirement. *Ferdik*, 963 F.2d at 1262;

1 *Malone*, 833 F.2d at 132-33; *Henderson*, 779 F.2d at 1424. The Court's order requiring
2 Plaintiff to file an amended complaint within thirty days expressly stated: "IT IS FURTHER
3 ORDERED that if Plaintiff chooses not to file an amended complaint curing the stated
4 deficiencies of the complaint, this action shall be dismissed without prejudice." (ECF No. 6
5 at 11:11-13). Thus, Plaintiff had adequate warning that dismissal would result from his
6 noncompliance with the Court's order to file an amended complaint within thirty days.

7 **II. CONCLUSION**

8 For the foregoing reasons, IT IS ORDERED that this action is dismissed based on
9 Plaintiff's failure to file an amended complaint in compliance with this Court's June 7, 2016,
10 order (ECF No. 6), and for failure to state a claim.

11 IT IS FURTHER ORDERED that Plaintiff's application to proceed *in forma pauperis* by
12 a prisoner (ECF No. 4) is DENIED as moot.

13 IT IS FURTHER ORDERED that the Clerk of Court shall enter judgment accordingly.

14 DATED: August 30, 2016.

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17 United States District Judge
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